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ILLINOIS COMMERCE
COMMISSION

Nov 21 4 37 PM '00

TRANSPORTATION DIV.

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

**THE DEPARTMENT OF TRANSPORTATION)
OF THE STATE OF ILLINOIS, for and in)
behalf of the People of the State of Illinois,)**

Petitioner,)

vs.)

UNION PACIFIC RAILROAD COMPANY,)

Respondent.)

No. 00-T- 00-0109

(Parcel 6179122TE)

PETITION FOR APPROVAL TO TAKE PROPERTY

NOW COMES THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS, Petitioner, by JAMES E. RYAN, ATTORNEY GENERAL and STANLEY L. MORRIS, Special Assistant Attorney General, and for its Petition for Approval to Take Property states:

1. Petitioner has engaged in the construction, operation and maintenance of FAP Route 765 (IL 108), a State highway under the control and jurisdiction of Petitioner, in Macoupin County, Illinois, under and by virtue of the Illinois Highway Code (605 ILCS 5/2-101 through 5/2-220 and 5/4-101 through 5/4-511). The lands and premises hereinafter described and legally described as

set out in Exhibit "A" which is attached hereto and incorporated by this reference, are required as a part of the proposed widening and resurfacing of Illinois Route 108 from 0.2 miles west of McCasland Avenue to the Union Pacific Railroad in Carlinville, Illinois (hereafter the "Project").

2. Respondent, Union Pacific Railroad Company, is a rail carrier as defined in the Illinois Commercial Transportation Law (625 ILCS 5/18c-7101 et seq.), is engaged as a common carrier by railroad within Illinois and is subject to the jurisdiction of the Illinois Commerce Commission.
3. The land, rights, and other property hereinafter described are private property and the Respondent appears to own, have an interest in, or claim to have some interest therein.
4. The Project is a public work, is for public use and constitutes a public purpose, namely the improvement of Illinois Route 108 in Carlinville, Macoupin County, Illinois; it is in the public convenience and necessity that the Petitioner have and acquire a temporary easement in Parcel 6179122TE, more particularly described in Exhibit "A" attached hereto.
5. The compensation to be paid by the Petitioner to the Respondent for this parcel or the interest therein or the form of conveyance cannot be agreed upon between the Petitioner and the Respondent and the Petitioner, therefore, is authorized, subject to the initial approval of the Illinois Commerce Commission, to proceed to acquire said lands, rights or other property through

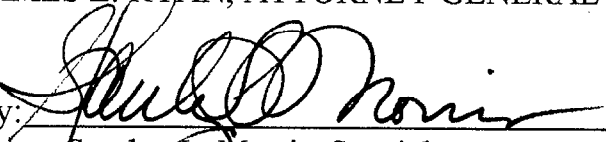
the exercise of the right of eminent domain under the Eminent Domain of the
Laws of Illinois.

WHEREFORE, Petitioner prays the Illinois Commerce Commission enter an Order
authorizing Petitioner to proceed with an action in eminent domain to acquire from
Respondent, Union Pacific Railroad Company, a temporary easement in Parcel 6179122TE,
more particularly described in Exhibit "A", all in accordance with Article VII (735 ILCS 5/7-
101 through 5/7-129) of the Illinois Code of Civil Procedure.

THE DEPARTMENT OF
TRANSPORTATION,
STATE OF ILLINOIS, Petitioner

JAMES E. RYAN, ATTORNEY GENERAL

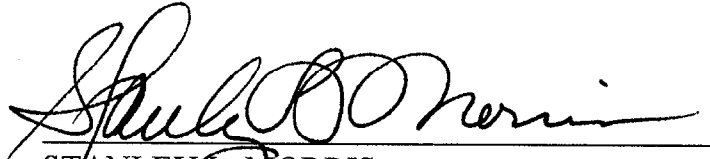
By:


Stanley L. Morris, Special
Assistant Attorney General

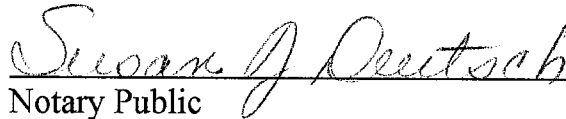
Stanley L. Morris
Special Assistant Attorney General
3 North Old State Capitol Plaza
Springfield, Illinois 62705-0255
Telephone: (217) 753-1133

STATE OF ILLINOIS)
)
COUNTY OF SANGAMON) SS

I, STANLEY L. MORRIS, of lawful age and being first duly sworn, depose and say that I am a Special Assistant Attorney General for the State of Illinois, that I have read the above and foregoing Petition by me subscribed, have knowledge of the contents thereof and that on information and belief said contents are true in substance and in fact.


STANLEY L. MORRIS
Special Assistant Attorney General

Subscribed and sworn to before me, a Notary Public, this 21st day of November, 2000.


Notary Public



PROOF OF SERVICE

The undersigned certifies that on Nov. 21, 2000, a copy of the foregoing document was deposited in the U.S. Mail, with postage prepaid, at Springfield, Illinois, plainly addressed to:

CT Corporation
208 South LaSalle Street
Chicago, Illinois 60604

Mr. Dean Jackson
522 East Monroe Street
Suite 306
Springfield, Illinois 62701

Mr. Roy Farwell
210 North 13th Street
Room 2000
St. Louis, MO 63101-2388

Susan J. Deutsch

FA Route 765 (IL Rte. 108)
Section 109X (W-2,RS-2)
Job No. R-96-017-99
Macoupin County
Rt. Sta. 20 + 862.806 to
Sta. 20 + 880.000
Parcel No. 6179122TE

A part of the Northeast Quarter of the Southeast Quarter of Section 29, Township 10 North, Range 7 West of the Third Principal Meridian, Macoupin County, Illinois, described as follows:

Beginning at the northeast corner of Lot 1 in Block 1 of Woodlawn Subdivision to the City of Carlinville being 8.342 meters [27.37 feet] right of Station 20 + 866.115 on the centerline of survey for FA Route 765 (IL Rte. 108); thence along assumed bearings North 89 degrees 16 minutes 11 seconds East 13.885 meters [45.55 feet] along the southerly existing right of way line for FA Route 765 (IL Rte. 108); thence South 38 degrees 55 minutes 07 seconds West 12.548 meters [41.17 feet]; thence North 69 degrees 26 minutes 23 seconds West 9.865 meters [32.37 feet] to the east line of said Lot 1; thence North 27 degrees 51 minutes 13 seconds East 6.924 meters [22.72 feet] along the east line of said Lot 1 to the Point of Beginning, containing 101.0 square meters, more or less [containing 1,087 square feet, more or less].

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